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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 8  
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DENVER, CO 80202-2466  
Phone 800-227-8917  
<http://www.epa.gov/region08>

May 28, 2003

Ref: 8EPR-SR

Mr. Robert A. Burton, JD  
PO Box 65717  
Salt Lake City, UT 84165

Dear Mr. Burton:

You recently requested a letter from the U.S. Environmental Protection Agency (EPA) regarding the status of the 7.67 acre property located near the intersection of US Highway 40 and Utah Highway 248 in Summit County, Utah. The property is held by Stoly Associates. This response is based upon the facts presently known to EPA and is provided solely for informational purposes.

As you are aware, EPA and other stakeholders, including the Utah Department of Environmental Quality (UDEQ), are conducting environmental investigations in the Silver Creek watershed to determine the nature and extent of heavy metal contamination resulting from historic mining in the Park City area. I am the EPA Project Manager for this work. As part of this effort, UDEQ recently conducted an "Innovative Assessment" of the lower Silver Creek stream corridor, which extends from the Richardson Flats area down to the confluence with the Weber River. The property in question is within that area. Our primary concern in lower Silver Creek is historic mine waste that impacts water quality (Silver Creek is listed as an impaired water body by the State of Utah) and the wetlands in the stream corridor.

This area has not yet been listed in CERCLIS, an EPA database of sites that may be eligible for future investigation and response using authority of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, commonly known as Superfund). At this point, though there are certainly impacts in the lower Silver Creek area, EPA has no immediate plans to add the area to CERCLIS, and will continue to work with stakeholders on cooperative ways to address contamination. Any investigation or cleanup work that occurs in the future will likely be confined to the historic Silver Creek flood plain, but future sampling will be aimed at defining the extent of contamination. The data you have provided to EPA shows that only approximately one quarter of your property is impacted by heavy metals in soil.

The liability provisions of the Superfund statute are complex, but there has never been a better time in the history of Superfund for prospective purchasers of contaminated property.

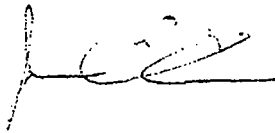


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While EPA has long had policies to protect prospective purchasers in certain circumstances, the recent Brownfields legislation codified protections for prospective purchasers of contaminated property. Basically, no matter the status of a property with regards to Superfund, a prospective purchaser with no ties to the contamination at the property must now only meet very simple conditions to be protected against any liability, including granting EPA access for any necessary response actions and managing the property with due care (e.g. investigating the property, not making the situation worse). The Phase I and Phase II reports you have provided to EPA clearly show that environmental issues are being considered. In that regard, any future cleanup would likely be conducted by EPA or other parties at no cost to future property owners.

We are hopeful that our cooperative investigations and cleanup efforts do not impact property transfers or local land use plans. The presence of soil contamination on a portion of this property should not preclude any type of development. We will gladly work with any property owners, current or future, on any liability, development, or environmental concerns. If you have any additional questions, please feel free to call me at (303) 312-6748.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Christiansen', written over a horizontal line.

Jim Christiansen  
Remedial Project Manager